



# Conflicts of Interest Policy (approved by the Vice-Chancellor)

## Overview

This policy regulates Conflicts of Interest involving UNE Representatives.

Conflicts of Interest involving UNE Representatives must be appropriately disclosed and managed.

## Scope

This policy will apply to all UNE Representatives (as defined in this policy).

## Policy

### 1. What UNE Representatives must do under this policy

UNE Representatives must do the following in accordance with this policy and its related procedures:

- a. Always consider whether they have a Conflict of Interest;
- b. Disclose all Conflicts of Interest; and
- c. Manage Conflicts of Interest.

### 2. Conflicts of Interest

- a. A UNE Representative will have a Conflict of Interest where:
  - i. The UNE Representative has a material interest in a decision or matter; and
  - ii. The UNE Representative's interest appears to raise a conflict with the proper performance of the UNE Representative's duties in relation to the decision or matter.
- b. If a UNE Representative has a Conflict of Interest then the two key issues are:
  - i. Disclosure of the conflict of interest by the UNE Representative; and
  - ii. Management of the conflict of interest.

### 3. Material interests

An Interest arises where a reasonable person would expect that the UNE Representative directly or indirectly stands to gain an advantage or suffer a disadvantage, depending on the outcome of the decision or matter.

Interests may include:

- a. Pecuniary Interests: These are interests that involve an actual or potential financial gain or loss. They may result from the UNE Representative or a related party owning property, holding shares or a position in a company bidding for government work, accepting gifts or hospitality, or receiving an income from a second job. Money does not need to actually change hands for an interest to be pecuniary.

- b. Non-pecuniary Interests: These interests do not have a financial component but may arise from Personal or Family Relationships or involvement in sporting, social or cultural activities. They include any factor which would predispose the UNE Representative towards favor or prejudice resulting from friendship, animosity or other personal involvement that could bias the UNE Representative's judgment or decisions.

An interest will meet the threshold of being material where a reasonable person would consider that the UNE Representative has an interest sufficient to influence the UNE Representatives decisions or actions in respect of the relevant matter.

It is impractical to define what will be material in all situations and UNE Representatives are expected to exercise common sense and good judgment.

#### **4. Identifying a Conflict of Interest**

Identifying a Conflict of Interest is not always obvious and often there may be uncertainty on whether a Conflict of Interest exists. In this situation the following questions need to be asked:

- a. Does the UNE Representative have a personal interest that may be relevant? What is it? Is it an investment or business interest? Is it a personal relationship?
- b. Is the UNE Representative's interest material? That is, is it a strong enough interest that a reasonable person would think that it would influence the UNE Representative's decision? For example, if a UNE Representative is involved in a recruitment process and is an acquaintance of one of the applicants, then that amounts to an interest, but on its own is not a material interest. However, if the applicant is a close friend then it would amount to a material interest. Ask what a reasonable person observing the situation would think – would they think that the relationship was strong enough to influence the UNE Representative's recruitment decision?
- c. If it is material, then does the interest appear to create a conflict with the UNE's Representative's duty to act impartially and in the interests of UNE and duty to not use his/her position for their own interest. In other words, is the material interest relevant to the decision or action of the UNE Representative, or the information the UNE Representative will receive as part of the process?

In considering if there is a conflict of Interest parties may seek further information from:

- a. supervisors or managers;
- b. Directorate of Audit and Risk; or
- c. External parties such as ICAC.

#### **5. Disclosure of Conflicts of Interest**

- a. If a UNE Representative has a Conflict of Interest then he/she must disclose it to his/her Supervisor in writing or to the person identified by clause 5(d) as the case may be. The procedures attached to this policy must be followed.
- b. UNE Representatives must be aware of the potential for a Conflict of Interest and familiarise themselves with this policy and its associated procedures. The declaration of a Conflict of Interest must be made as soon as a staff member becomes aware of a Conflict of Interest.
- c. If a UNE Representative is aware of a Conflict of Interest that another UNE Representative has not disclosed, he/she should bring it to the attention of the party who has not declared the Conflict of Interest and make them aware of the need for disclosure. If the UNE Representative observing the Conflict of Interest does not feel comfortable to do this then they should bring it to the attention of their own Supervisor and ask for advice.
- d. If the Conflict of Interest relates to the business of a committee, meeting or other group, then the UNE Representative must disclose it either in writing or verbally to the chair or other person presiding over the group. The disclosure should be recorded in the minutes relating to that item of business.

## 6. Management of Conflicts of Interest

- a. A Conflict of Interest should be managed in a way that:
  - i. Removes the risk that the decision or action of the UNE Representative will be tainted by his/her personal material interest; and
  - ii. Removes the risk that the UNE Representative may use information received as part of the decision or action for his/her personal material interest.
- b. The University will maintain a register for Conflicts of Interest. This register will record all declarations of Conflicts of Interests.
- c. Management of Conflict of Interests will be dependent on the type involved and the level of risk:

UNE Representatives must provide an outline of the proposed management solution for the conflict. Depending on the facts this may involve:

- i. No further action required apart from the declaration;
  - ii. Removing themselves from the decision making process;
  - iii. Removing themselves from duties in regards to matters to which the Conflict of Interest relates;
  - iv. Not take part in debate and/or voting in committees/panels/boards or other decision making entities, to which the Conflict of Interest relates;
  - v. Removing themselves from any role in the assessment of Students;
  - vi. Ensuring there is an independent third party review or oversight of the activity or action; or
  - vii. Providing a final report at the completion of the process. This will outline how the process was completed and how the Conflict of Interest was effectively managed.
- d. The UNE Representative should ensure that the plan for managing the Conflict of Interest is documented (for example a letter or exchange of emails) and recorded with the Conflicts of Interest register.

## 7. Policy compliance

- a. All UNE Representatives must comply with this policy. A failure to comply with this policy may amount to misconduct/serious misconduct and/or unsatisfactory performance.
- b. The Chief Legal and Governance Officer is authorised to make procedures to operationalise and administer this policy.
- c. Failure to properly disclose or manage a Conflict of Interest in accordance with this policy will not invalidate a decision made or action taken, unless the decision or action is overturned by a person or body with power to do so.

## Definitions

**Conflict of Interest** – See definition in clause 2 of this policy

**Non-pecuniary Interest** – See definition in clause 3 of this policy

**Material Interest** – See definition in clause 3 of this policy

**Pecuniary Interest** – See definition in clause 3 of this policy

**Personal or Family Relationship** - means a relationship between an employee and a relative, a financially dependent person, a person where there is a financially connected relationship, a close friend, a de facto partner or any person with whom there is currently, or has been, an intimate or an agonistic relationship. This does not include

a working relationship which exists due to ordinary collegiate collaboration, where colleagues are not relatives, financially dependent, de facto or intimate partners.

**UNE Representative** - means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

## Administration

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**Approved by:**

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to be the initials 'B. J.' followed by a flourish.

**Related policies or other documents:**

Procedures for Conflicts of Interest Policy

Employment of Close Relatives and Other Close Associates Policy

Gifs and Benefits Policy

Code of Conduct